

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

MIGUEL RIVERA SANTIAGO
Petitioner

V.

CASE NUMBER: CIVIL 97-1557 (RLA)

UNITED STATES OF AMERICA
Respondent

O R D E R

MOTION	RULING
<p>Date Filed: 7/13/05 Docket # 111 [X] Petitioner MIGUEL A. RIVERA SANTIAGO</p> <p>Title: Petitioner's Request for Certificate of Appealability Pursuant to 28 U.S.C. § 2253(c)(1)(2000) and Local Rule 22.1(b), to Honorable Court's Findings on 5/11/05, on Issues Remanded in No. 02-2458, 102 Fed. Appx. 177, 2004 WL 1416626 (06/25/04) and to Retroactivity of <u>Booker</u> 125 S.Ct. 738 (2005), and any Other Remedy Pursuant to Law</p>	<p>DENIED as MOOT. This Court's Evidentiary Hearing findings can be appealed directly to the Court of Appeals without a certificate of appealability. On the other hand, petitioner's second successive petition regarding retroactivity of <u>Booker</u> has been transferred to the First Circuit Court of Appeals pursuant to 28 U.S.C. §§ 1361 and 2244. <u>See</u> docket No. 112.</p>

July 14, 2005
Date

S/Raymond L. Acosta
RAYMOND L. ACOSTA
U.S. District Judge

Rec'd:	EOD:
By:	#